

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**SUMMIT FINANCIAL RESOURCES
L.P.,**

Plaintiff,

v.

**BIG DOG ENTERPRISES LOGISTICS,
LLC, d/b/a FREIGHT HAULING
LOGISTICS, THE HURSEY GROUP,
LLC, AGED ASSETS, LLC,
COMMERCIAL PROPERTY
MANAGEMENT, LLC, HURSEY
TECHNOLOGY, LLC, DAVID HURSEY,
SUSAN HURSEY, and PEERLESS-
PREMIER APPLIANCE CO.,**

Defendants.

PEERLESS PREMIER APPLIANCE CO.,

Counterclaim/Interpleader Plaintiff,

v.

**SUMMIT FINANCIAL RESOURCES
L.P.,**

Counterclaim/Interpleader Defendant.

PEERLESS PREMIER APPLIANCE CO.,

Cross-claim/Interpleader Plaintiff,

v.

**BIG DOG ENTERPRISES LOGISTICS,
LLC, d/b/a FREIGHT HAULING
LOGISTICS,
And
SCHNEIDER NATIONAL CARRIERS,**

Cross-Claim/Interpleader Defendants.

Case No. 07-CV-0187-MJR-CJP

CONSOLIDATED WITH

Case No. 07-CV-0361-MJR-CJP

ORDER REGARDING SETTLEMENT AND IMPENDING DISMISSAL

REAGAN, District Judge:

The Court has been advised by Summit Financial Resources that the parties to the primary action have reached a settlement agreement.¹ Additionally, Schneider National Carriers states that it has reached a settlement agreement as to its counterclaims against Peerless Premier Appliance Company (Doc. 399). In each instance, the Court is aware that additional time is needed to finalize the settlement documents. As a result, the undersigned District Judge hereby **DIRECTS** the Clerk of Court, 60 days after this Order is docketed, to **DISMISS** all remaining parties with prejudice except Summit Financial Resources, David Hursey, and Susan Hursey. Each party shall bear his or its own costs, unless otherwise provided in the settlement documents.

If the parties fail to finalize the settlement within the 60-day period, they may – before that period expires – move to postpone dismissal with prejudice to a later date. Because all claims have been settled except those pertaining to David and Susan Hursey, which are stayed, the Court **CANCELS** all settings herein, including the September 4, 2009 Final Pre-Trial Conference and the September 14, 2009 Bench Trial. Once the bankruptcy proceedings as to David and Susan Hursey conclude, the Court will set a status conference with respect to any and all remaining claims against them.

The Clerk of the Court shall postpone entry of judgment until the conclusion of the entire case. To reiterate, upon dismissal of the above-described claims in sixty days, the only claims remaining in this action will be those between Summit, David Hursey, and Susan Hursey, which are stayed pending resolution of the Hurseys' bankruptcy proceedings.

IT IS SO ORDERED.

DATED this 21st day of July 2009.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge

¹ On March 5, 2009, the Court stayed the entire case as to David Hursey and Susan Hursey, after they filed a suggestion of bankruptcy (Doc. 355). That stay has not been lifted. Thus, the Court presumes that any settlement in this case does not involve David or Susan Hursey.